

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION

THIS DOCUMENT APPLIES TO ALL LOWER  
MANHATTAN DIASTER SITE LITIGATION



Case No. 21MC102 (AKH)

**Stipulation of  
Discontinuance against  
BROOKFIELD  
PROPERTIES  
HOLDINGS INC, only**

Docket No.:

07 CV 11017 (Alvarez)  
08 CV 02561 (Arbelaez)  
08 CV 02563 (Asmal)  
08 CV 02565 (Atehortua)  
08 CV 02566 (Avila)  
08 CV 02568 (Bermeo)  
08 CV 02572 (Bevando)  
08 CV 02578 (Bunay)  
08 CV 02584 (Calle)  
07 CV 11020 (Castillo, B.)  
08 CV 02593 (Castillo, N.)  
08 CV 02594 (Castro)  
08 CV 02601 (Cochero)  
08 CV 02605 (DeJesus)  
08 CV 02609 (Duche)  
08 CV 02613 (Espinosa)  
08 CV 02617 (Fares)  
08 CV 02618 (Febrillet)  
08 CV 02622 (Galiano)  
08 CV 02240 (Gandurski)  
08 CV 02241 (Garcia)  
08 CV 02625 (Gil)  
08 CV 02632 (Gualotuna)  
08 CV 02635 (Harvey)  
08 CV 02242 (Jimenez)  
08 CV 02642 (Korzep)  
08 CV 02644 (Kuhn)  
08 CV 02650 (Lopez)  
06 CV 14824 (Maldonado)  
08 CV 02654 (Manco)  
08 CV 02658 (Meneses)  
08 CV 02243 (Moran)  
08 CV 02664 (Munoz)

: 08 CV 02669 (Nartowicz)  
: 08 CV 02671 (Naula, M.)  
: 08 CV 02672 (Naula, S.)  
: 08 CV 02674 (Nieto)  
: 08 CV 02676 (Nunez)  
: 08 CV 02681 (Parra)  
: 08 CV 02686 (Perez-Zapatos)  
: 08 CV 02688 (Peski)  
: 08 CV 02690 (Ponce)  
: 08 CV 02246 (Quizhpi)  
: 08 CV 02695 (Rendon)  
: 08 CV 02708 (Sanchez, D.)  
: 08 CV 02710 (Sanchez, J.)  
: 08 CV 02712 (Sanguna)  
: 08 CV 02715 (Siguencio)  
: 08 CV 02716 (Silva)  
: 08 CV 02717 (Simancas)  
: 08 CV 02719 (Sliwecki)  
: 08 CV 02720 (Sterling)  
: 08 CV 02248 (Tapia)  
: 08 CV 02726 (Trivino)  
: 08 CV 02728 (Valencia)  
: 08 CV 02730 (Valadares)  
: 08 CV 02735 (Weber)  
: 08 CV 02737 (Wieliczka)  
: 08 CV 02738 (Wronkowski)  
: 08 CV 02740 (Zamora)  
: 08 CV 02744 (Zurita)  
: 07 CV 05334 (Agudelo)  
: 06 CV 01340 (Arias)  
: 07 CV 01458 (Aristizabal)  
: 06 CV 13784 (Arlotta)  
: 07 CV 01470 (Bermudez)  
: 06 CV 14554 (Claret)  
: 05 CV 01104 (Criollo)  
: 07 CV 01601 (Diaz)  
: 07 CV 05287 (Duchitanga)  
: 07 CV 01605 (Duchitanga)  
: 07 CV 05289 (Fisco)  
: 07 CV 05291 (Garcia)  
: 07 CV 04470 (Gil)  
: 07 CV 01504 (Giraldo)  
: 07 CV 01507 (Hernandez)  
: 07 CV 01645 (Lampart)  
: 06 CV 12772 (Leroux)  
: 06 CV 14807 (Lopez)

: 06 CV 01786 (Maldonado)  
: 07 CV 00057 (Martinez)  
: 07 CV 05305 (Negron)  
: 07 CV 04497 (Oquendo)  
: 07 CV 04502 (Pajak)  
: 07 CV 04503 (Palma)  
: 07 CV 01683 (Peralta)  
: 07 CV 05318 (Sanchez)  
: 07 CV 05319 (Santos)  
: 07 CV 01705 (Siguachi)  
: 05 CV 01260 (Silva)  
: 05 CV 01198 (Solis)  
: 06 CV 11532 (Szpanelewski)  
: 06 CV 12826 (Tabares)  
: 07 CV 05320 (Tenempaguay)  
: 07 CV 01717 (Toledo)  
: 07 CV 04519 (Torres)  
: 07 CV 01721 (Vazquez)  
: 07 CV 05390 (Vivar)  
: 06 CV 13166 (Yumbla)  
: 07 CV 01549 (Zamora)  
: 07 CV 01732 (Zumba)

X

ALVIN K. HELLERSTEIN, U.S.D.J.:

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, for the parties to the one-hundred and two (102) individual actions listed above, that whereas no party herein is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of this action, the above listed actions be and the same hereby are discontinued against **Brookfield Properties Holdings Inc.**, only, without prejudice, without costs to any party as against the other.


IT IS HEREBY FURTHER STIPULATED AND AGREED, that should facts or circumstances derived from future discovery, or otherwise, come to light that indicate a

relationship to the litigation and a basis of a claim against the defendant from whom this Stipulation is being entered, and/or should it come to light that the information provided by said defendant in support of its request of discontinuance at this time, be discerned in the future to have been inaccurate, false or misleading, plaintiff may re-assert its claim against said defendant by motion, stipulation or otherwise, and without the necessity of additional service of process, and in no event will said defendant raise any status of limitations defense other than as may have been asserted based upon the date of filing of the original action, at the time that the action was originally commenced against said defendant.

This stipulation may be filed without further notice with the Clerk of the Court and defendant will obtain, if necessary, any Judicial "So Order" of this Stipulation and any other signatory, if necessary.

Dated: May 28, 2008

**FAUST GOETZ SCHENKER & BLEE, LLP**

By:   
Nicholas J. Marino (NM-1977)  
Attorneys for the Brookfield Parties  
Two Rector Street, 20<sup>th</sup> Floor  
New York, N.Y. 10006  
(212) 363-6900

**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**

By:   
Christopher LoPalo (CL-6466)  
Attorneys for Plaintiffs  
115 Broadway, 12<sup>th</sup> Floor  
New York, New York 10006  
(212) 267-3700

**SO-ORDERED:**

  
Hon. Alvin K. Hellerstein, USDCJ  
